



Crl.O.P.No.13627 of 2023

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A.D.JAGADISH CHANDIRA,J.

The petitioners, who apprehend arrest at the hands of the respondent police for the alleged offences punishable under Sections 420 r/w 120 of IPC, in Crime No. 2392 of 2020, seek anticipatory bail.

2. The case of the prosecution as per the defacto complainant Palanisamy is that the accused who are the partners have obtained signatures in certain documents while he was sitting in a saloon and by using the signature and with the help of A3, Manager of the bank had purchased a Tata Altras car without the knowledge registered in his name by obtaining loan. Hence the case.

3. The learned counsel for the petitioners would submit that the second petitioner and the defacto complainant are partners in the firm and due to dispute between the partnership firm, a false complaint has been given. He would further submit that a car was purchased only with



Crl.O.P.No.13627 of 2023

the knowledge of the defacto complainant and now, a false complaint has been given. He further submit that a car stands in the name of the defacto complainant and he is a person who is utilising the car and only on account of partnership dispute, a false complaint has been given. He would further submit that the second petitioner is the wife of the first petitioner and she is unnecessarily roped in this case. He further submit that the entire case of the prosecution is borne out by documents and the custodial interrogation of the petitioner may not be required. Hence, he prays for grant of anticipatory bail to the petitioners.

4. The learned Government Advocate (Crl.Side) would submit that the second petitioner and the defacto complainant are partners in the firm. The first petitioner had obtained signatures from the defacto complainant without informing him taken the loan for a purchase of four wheeler and he had purchased the four wheeler without his knowledge and later point of time he has given a complaint. However, he opposed for grant of anticipatory bail to the petitioners.



Crl.O.P.No.13627 of 2023

5. Heard the learned counsel for the petitioners and the learned Government Advocate (Crl. Side) and perused the materials available on record.

6. Considering the above fact and circumstances of the case and also the submissions made by the learned counsel on either side, this Court is inclined to grant anticipatory bail to the petitioners with certain conditions.

7. Accordingly, the petitioners are ordered to be released on bail in the event of arrest or on their appearance, within a period of fifteen days from the date on which the order copy is made ready, before the **learned Judicial Magistrate, Dharapuram**, on condition that the petitioners shall execute separate bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** each with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned, failing



Crl.O.P.No.13627 of 2023

which, the petition for anticipatory bail shall stand dismissed and on further condition that:

[a] the petitioners and the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity.

[b] the petitioners shall report before the respondent police on everyday at 10.30 a.m, for a period of two weeks and thereafter every Saturday at 10.30 a.m, until further orders.

[c] the petitioners shall not tamper with evidence or witness either during investigation or trial.

[d] the petitioners shall not abscond either during investigation or trial.

[e] On breach of any of the aforesaid conditions, the learned Magistrate/Trial Court is entitled to take appropriate action against the petitioners in accordance with law as if the conditions have been imposed and the petitioners released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in **P.K.Shaji vs. State of Kerala [(2005)AIR SCW 5560]**.



Crl.O.P.No.13627 of 2023

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[f] If the accused thereafter absconds, a fresh FIR
can be registered under Section 229A IPC.

20.06.2023

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Crl.O.P.No.13627 of 2023

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Crl.O.P.No.13627 of 2023

20.06.2023